

disclosure statement. The Examiner's citation of U.S. Patent No. 3,351,495 renders submission of it moot. Since DE-AS-1,496,123 is the German equivalent of U.S. 3, 351,495, citation of it is moot as well.

It is noted that the Examiner did not return an initialed copy of PTO Form 1449 indicating consideration of the references made of record by the Information Disclosure Statement filed in October 2001. Applicant respectfully requests the initialed copy.

The Examiner objects to the disclosure because of several informalities. By the accompanying amendment, the second instance of "cheese, aroma" in line 4 of page 8 has been deleted.

Regarding page 10, line 7, Applicant respectfully submits that it is clear that the invention avoids eutrophication because it involves the controlled release of aromatic and/or enticing substances without the conventional use of large quantities of fish food, which leads to eutrophication, particularly in the case of stagnant waters (see page 1, line 13 to page 2, line 10). According to the invention, such large quantities of fish food do not have to be used in order to attract fish. Therefore, no bacterial or chemical mineralization due to the use of fish food occurs and the oxygen requirements of the waters are not increased. Thus, eutrophication is avoided.

The Examiner objects to claims 8, 11 and 12 due to typographical errors. By the accompanying amendment, the errors have been corrected.

The Examiner rejects claims 1-17 under 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner states that "a material based on porous, thermoplastic plastic" in claims 1 and 14 is indefinite. By the accompanying amendment, claim 1 has been amended to recite that the material comprises porous, thermoplastic plastic. The specification makes clear that the material that is being treated with at least one fish-luring aromatic and/or enticing substance may either be completely composed of or alternatively may be comprised of a porous, thermoplastic plastic (e.g.,

may also include other materials such as filler and plasticizer). By the accompanying amendment, it is believed that the rejection is overcome. Applicant notes that claim 14 does not include the "based on" language objected to by the Examiner.

The Examiner rejects claims 1-18 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,887,376 to Sibley et al. The Examiner states that Sibley et al. disclose polymers that may be any that are commercially available or known that have the ability to selectively absorb a lure and then release it controllably into water.

The rejection is respectfully traversed.

Sibley et al. disclose a fish lure whose polymers contain an essence (fish attractant) and releases the attractant into water at an essentially controlled rate, usually for a period sufficient for the attracted fish to arrive at the lure. In its specific features, the invention of Sibley et al. comprises a polymer, preferably a hygroscopic polymer, that will allow an attractant to diffuse therefrom into water to establish an effective concentration of said attractant in the water for a controlled time (column 2, lines 31-35). According to Sibley et al. (column 2, lines 40-47), it is generally desirable to incorporate into the polymer the attractants prior to its being shaped. The attractants are usually added to the solution of the polymer, namely, after the cross-linking reaction, simply by mixing or stirring in the attractant or attractants. Actually, Sibley et al. disclose only crosslinked polymers.

According to Sibley et al. at column 1, lines 56-60, it is undesired that baits are hydrophobic and do not get slippery in water, since this is thought to limit the efficacy of their textural context. Sibley et al. desire that the bait has the proper textural feel to it when the fish tests it. In order to obtain this proper textural feel, the polymer materials according to Sibley et al. have the ability to absorb water to swell the polymer or render the surface hydroscopic rather than hydrophobic (column 2, line 67 to column 3, line 2). Specific polymers according to Sibley et al. are the hygroscopic,

swellable, crosslinked acrylic materials (compare claim 1).

In contrast, the claimed method uses a material comprising porous, thermoplastic plastic, i.e., uncrosslinked polymers, since thermoplastic plastics are not crosslinked by definition. These materials are rather hydrophobic and stable, giving the lures a much higher physical strength during application, so that they can be present in the form of feed baskets, buoyancy blocks for fish-catching nets, twisters and other fish-catching devices. While Sibley's materials may have sufficient physical strength for specific applications, their marked water-swellability during application will make them unsuitable for a long-term use or re-use such as in commercial fishing. Indeed, Sibley et al. recognize this problem of the limited physical strength of the polymers according to their invention when in use and suggest that normal lures may have holes of suitable size bored therein and the holes may be plugged with Sibley's polymer containing attractant incorporated therein. Hence, the skilled artisan seeking to improve the durability of Sibley's lures would follow the teaching in column 2, line 48-56 of Sibley et al. In contrast, the present invention is based on the finding that preferably a material can be used which has been used for decades as a battery separator in accumulators and batteries.

In addition, the extremely fine pore structure of the Sibley et al. articles does not allow incorporation of attractant after preparation of the bait, which is, of course, disadvantageous since some attractant is lost or destroyed during polymerization and the following processing. Furthermore, Sibley et al. can use only those attractants which are soluble in the polymerization medium. Thus, the useful attractants are restricted to hydrophilic materials. Such limitation does not exist in the present invention, which is a significant advantage since aromatic and enticing substances are very often hydrophobic, e.g., are oils. In addition, the use has no influence on the selection of the attractant, but rather has to accept the attractant included during the preparation of the lure. Obviously, the method and baits according to the present invention provide much more flexibility and

allow the user to adapt the bait to the actual fishing conditions.


Because of the extremely fine pore structure, which is even finer after swelling in water, a reloading with attractant and re-use of the bait of Sibley et al. is difficult or even impossible. It would be very difficult or even impossible to dry the swollen article containing large amounts of water so that it would be ready for reloading. In addition, such drying would require extreme care, since otherwise the article will shrink unevenly and lose its desired form due to the already limited physical strength thereof.

Finally, the polymers proposed by Sibley et al. are at least partially water soluble and therefore necessarily add to the undesired pollution of waters. Such risk is eliminated according to the present invention due to the use of thermoplastic plastics which are completely insoluble in water.

The remaining prior art is believed to have been properly not relied upon in rejecting any claim.

Reconsideration and allowance are respectfully requested in view of the foregoing amendment and remarks.

Respectfully submitted,


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Version With Markings to Show Changes

In the specification:

Page 8, first paragraph:

A wide assortment of suitable aromatic and/or enticing substances, which can find use in the method according to the invention, are available on the market, e.g., salmon roe aroma, cheese aroma, peanut aroma, coconut aroma, almond aroma, [cheese, aroma,] pistachio aroma, fruit aromas (strawberry, raspberry, cherry, banana, melon, peach), chocolate aroma, cream aroma, honey aroma and caramel aroma, salmon roe oil as well as extracts of anise, cinnamon and vanilla. The aromatic and/or enticing substances utilized are thus selected with respect to the fish species to be lured, since different fish species respond frequently to different aromatic and/or enticing substances.

In the claims:

1. (Amended) Method for producing aromatic and/or enticing articles and parts thereof, comprising treating a material [based on] comprising porous, thermoplastic plastic with at least one fish-luring aromatic and/or enticing substance.

8. (Amended) Method according to claim 7, in which said material is comprised of 8 to 100 vol. % polyolefin with a molecular weight (weight average) of at least 300,000, a standard-load melt index of [substantitally] substantially 0, measured in accordance with ASTM-D-1278-57T (condition E), and a reduced viscosity of not less than 4.0, measured with a solution of 0.02g of the polyolefin in 100g of decalin at 130°C, 0 to 92 vol. % filler and 0 to 40 vol. % plasticizer.

11. (Amended) Method according to [claims] claim 8, wherein said filler is finely-divided silica.

12. (Amended) Method according to [claims] claim 8, wherein said plasticizer is process oil.

18. (Amended) Method of luring fish, comprising placing a porous, thermoplastic plastic treated with at least one fish-luring aromatic and/or enticing substance in a body of water containing fish.

Replacement Sheets

In the specification:

Page 8, first paragraph:

A wide assortment of suitable aromatic and/or enticing substances, which can find use in the method according to the invention, are available on the market, e.g., salmon roe aroma, cheese aroma, peanut aroma, coconut aroma, almond aroma, pistachio aroma, fruit aromas (strawberry, raspberry, cherry, banana, melon, peach), chocolate aroma, cream aroma, honey aroma and caramel aroma, salmon roe oil as well as extracts of anise, cinnamon and vanilla. The aromatic and/or enticing substances utilized are thus selected with respect to the fish species to be lured, since different fish species respond frequently to different aromatic and/or enticing substances.

In the claims:

1. (Amended) Method for producing aromatic and/or enticing articles and parts thereof, comprising treating a material comprising porous, thermoplastic plastic with at least one fish-luring aromatic and/or enticing substance.

8. (Amended) Method according to claim 7, in which said material is comprised of 8 to 100 vol. % polyolefin with a molecular weight (weight average) of at least 300,000, a standard-load melt index of substantially 0, measured in accordance with ASTM-D-1278-57T (condition E), and a reduced viscosity of not less than 4.0, measured with a solution of 0.02g of the polyolefin in 100g of decalin at 130°C, 0 to 92 vol. % filler and 0 to 40 vol. % plasticizer.

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12. (Amended) Method according to claim 8, wherein said plasticizer is process oil.

18. (Amended) Method of luring fish, comprising placing a porous, thermoplastic plastic

treated with at least one fish-luring aromatic and/or enticing substance in a body of water containing fish.

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RECEIVED BY THE U.S. PATENT AND TRADEMARK OFFICE:

1. Transmittal Form (1-Page).
2. Amendment (5-Pages), together with Version with markings to show changes (2-Pages) and Replacement Sheets (2-Pages).

Applicant : Jürgen Beil

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For: FISH-LURING AROMATIC AND ENTICING ARTICLE BASED ON
POROUS, THERMOPLASTIC PLASTIC